

# THE ESTANCIA

VOLUME V.

ESTANCIA, TORRANCE COUNTY, NEW MEXICO, FRIDAY, OCTOBER 15, 1909

NUMBER 52

## ESTANCIA AGAIN WINS IN BATTLE FOR COUNTY SEAT

Judge McFie Holds that Estancia Is and since the Passage of the Act of 1905, Has Been the County Seat of Torrance County.

## DECISION IS SWEEPING AND POINTED

In the injunction proceedings instituted by Macario Torres against the Board of County Commissioners, enjoining them from the building of a courthouse at Estancia alleging that Progreso and not Estancia is the legal county seat, which came on for hearing in the District Court on September 16, at which time counsel for the plaintiff was not ready to plead and asked for more time. Judge McFie handed down a decision the first of this week, quashing the motion to sustain the injunction, denying permanent injunction and quashing the temporary injunction at the costs of the plaintiff.

The court upheld the amendatory act of 1905 amending the act of 1903, ruling that Estancia is and has been since the passage of the said act of 1905, the legally constituted county seat of Torrance county. The decision is in part as follows:

In the District Court for Torrance County, Macario Torres vs. Board of County Commissioners of Torrance County. Injunction.

The plaintiff, Macario Torres, brought this suit as a citizen and taxpayer of Torrance county, alleging that the board of commissioners were about to proceed with the erection of a courthouse at the town of Estancia without authority of law, and prayed for an injunction to restrain the board from doing so.

While Chapter 2, Laws 1905, is an amendatory act, it amends the former law in nearly all of its important provisions. It is really more extensive than the former act. The boundaries are changed the county seat is different, new provisions are inserted and different provisions are made for the payment of proportions of indebtedness due to other counties. Section 3 definitely locates the county seat at Estancia, and while no reference is made to Section 2, Chapter 70, Laws 1902 locating the county seat at Progreso, this section is directly in conflict with it, and there being a repealing clause as to all laws in conflict with the law of 1905. Section 2 of the former act is not in existence and has not been since 1905. It seems to me, therefore that the present action must be considered a collateral attack upon the law as it now stands, in that the plaintiff, to be entitled to the relief sought, must successfully attack the act of 1905. While, of course, this may be done, it must be done in a direct proceeding.

The prayer of the petition in this case is that the defendants, its members, officers, agents, attorneys and representatives be restrained and enjoined from building, contracting for, or in any manner authorizing, permitting or allowing the construction of a courthouse or other county buildings for said county of Torrance, in or at the town of Estancia, etc. It will be observed that it is not denied that bonds for that purpose have been issued, sold and are now in the hands of innocent purchasers; indeed the prayer indicates that the proceeds are now available for that purpose.

The above considerations are

decisive of this case, and it does not become necessary for the court to consider and pass upon other contentions of counsel; however, lest it might be understood that the views of the court herein expressed practically committed the court to a different conclusion in the event that a direct proceeding was instituted, it is proper to say that such a conclusion should not be entertained for the reason that a direct attack upon the act of 1905 would involve several legal considerations foreign to the present action. I do not regard the case of Territory vs. Clark, *supra*, as conclusive of the question whether Estancia was the de jure or de facto county seat of Torrance county. While language was used in the opinion which might be so understood, it must be remembered that the same was not necessary to a decision of that case, as it was immaterial whether Estancia was de jure or de facto the county seat of that county, the same under the circumstances of that case.

The motion to quash is sustained, permanent injunction will be denied, and the temporary injunction heretofore issued will be quashed at the plaintiff's costs.

It is so ordered.  
JOHN R. McFIE, Judge.

### Grandma Tuller Dead.

From a copy of the Carlisle, (Ark.) Independent handed us by J. W. Wagner, we learn of the death at that place of Grandma Tuller who made her home in the valley with her son, several months during the past year. She was born in Durham, New York, June 1, 1816, and died September 25, 1909, at the age of 93 years, 3 months and 24 days. During her stay in the valley, she attended Sunday school at the Antelope school house, and on one or more occasions made addresses to the children, urging them to not only attend the schools but to study the scripture, as the best guide through life. Her talk to the boys and girls will long be remembered. A large portion of her life had been spent in missionary work in the state of Kentucky, at a time before many of the present generation were born. The numerous friends in the valley, made during her stay here, will learn with sorrow of her demise.

### Lively W. C. T. U. Meeting.

At the usual hour, 3 p. m., Tuesday, the W. C. T. U. met at the M. E. Church. The attendance was not as large as formerly, but three new members were enrolled—that shows interest to be increasing.

The subjects put before the body were enthusiastically taken up and ways and means discussed.

The next meeting will be held at 7:30 p. m. next Tuesday.

Mr. T. N. Russell will give a talk on "Power of Suggestion." Everybody invited to attend these meetings.

Reporter.

## GUPID GETS BUSY

Gullers-Finley.

Yesterday afternoon at the courthouse Rev. J. R. Carver united in marriage Miss Gertrude Gullers and John L. Finley, both of Moriarty.

Gray-Orme.

On Tuesday morning at the Torrance County Courthouse, Rev. J. R. Carver united in marriage Miss Anne Gray and Lloyd Orme, both of Mountainair. Mr. Orme has been in the mercantile business in the Ozone City, while the bride has held the position as bookkeeper for W. M. McCoy & Co. Both Mr. and Mrs. Orme are prominent in social circles in their home town, and have numerous friends who wish them well.

Goetz-Woodcock.

On Sunday morning just following the services at the M. E. Church, Rev. J. R. Carver spoke the words joining for life Miss Addie Woodcock and Otto Goetz, both of Otto, New Mexico. Mr. Goetz is one of the old timers of the valley, while his bride recently came from Topeka, Kansas to make her home on her claim. The News joins in well wishes and congratulations.

Ford-Parker

W. C. Parker, sawfiler for the English Manufacturing Company returned from Albuquerque Wednesday of this week, bringing with him a bride, formerly Miss Elizabeth E. Ford. He was busy all day yesterday receiving the congratulations of his friends. Yesterday's Journal says of the affair:

At 4 o'clock yesterday afternoon occurred the wedding of W. C. Parker and Miss Elizabeth E. Ford, daughter of Mr. and Mrs. I. H. Ford, of 721 South Edith St. The nuptial knot was tied by Rev. Walter E. Bryson, pastor of the Christian church, the ceremony being performed at the parsonage. Mr. and Mrs. Parker left at midnight last night for Estancia, where the groom is chief saw filer for a lumber company. The bride and groom are well known in Albuquerque and the congratulations of a large number of friends accompany them to their new home

### B. Y. P. U. Program.

Leader.—Miss Minnie Laws.  
Subject.—The Intelligent Christian.

Song.

Prayer.

Scripture Reading.

Song.

"Why I Should be an Intelligent Christian," (paper) Mrs. Pearl Richards.

"Can We Become Intelligent by Accident?" (address) Mrs. Fred Tuttle.

"What an Intelligent Christian Should Know," (paper) Miss Mary Norris.

The Westminster Circle Social at the home of Miss Norris Tuesday evening was well attended and a decided success.

Mr. and Mr. H. G. Bedford are back from their trip to La Gran Quivira.

## BUSINESS FIRM BRANCHING OUT

English Manufacturing Company Enters Mercantile Business

On Monday of this week a deal was closed whereby the business stock and goodwill of the L. J. Adams store adjoining the post office, was taken over by the English Manufacturing Company. The stock is being greatly replenished and will be kept up to the dot in this regard. The business will be conducted under the name of the Estancia Mercantile Company, N. L. Williams being in charge of the store at present.

The arrangement thus perfected will not only give the company an opportunity to get a portion of the local mercantile business, but will also assist the company in helping the employees of the planing mill, box factory, sawmills, freighters, etc. During the past, it has been necessary for the company to pay the employees about the middle of the month for work performed the previous month, on account of the clerical work necessary in checking up the time of each laborer. Under the new arrangement the employees will have no trouble in securing the necessary goods at the store, each laborer being extended credit not to exceed the time he has been employed.

Along with the announcement of the purchase of the store, comes the announcement of the purchase of the sawmill of Mendenhall & Freeman by the English Manufacturing Co. From this, it would appear that the business of the recently incorporated company has been very satisfactory, or no steps toward branching out would be taken at this time. Both sawmills will be kept busy supplying the planing mill and box factory, as well as the local lumber market in the foothills where the mills are located.

### Election Proclamation

Notice is hereby given that an election will be held at Estancia, same to take place at the Court House on the 8th day of November, 1909, at 9 o'clock a. m., and continue until 6 p. m. of the said day. Said election is hereby called for the object of electing one Town Marshall and a Board of Trustees composed of five members for the town of Estancia as prescribed by Section 2481 C. L. 1897 of the Territory of New Mexico.

By order of the Board of County Commissioners convened in Regular Session Oct. 4th. A. D. 1909.

E. W. Roberson,  
(Seal) Clerk of the Board.  
County Commissioners,

Torrance County, N. M.

### Bazar.

The Ladies Aid Society of the Methodist church is planning to hold a Bazar a short time before Christmas, at which time they will place on sale various kinds of home-made articles, including fancy work of all kinds, especially articles suitable for holiday gifts. The time has been set as Saturday, December 11th. The exact place has not yet been decided upon, but it will be in some convenient location downtown. Our people will do well to see their line before purchasing Christmas presents.

## Procedimientos Oficiales de los Comisionados del Condado

En una junta regular del cuerpo de comisionados del condado convenido en la casa de corte en Estancia, condado de Torrance, Nuevo Mexico, el dia 4 de Octubre, 1909 a las 11 de la mañana presente los honorables comisionados Ados Jesus Candelaria, y Julian R. Romero, el alguacil mayor Julius Meyer, y el escribano por su diputado, Frank A Chavez.

La resignation de Refugio Luero y Chavez como juez de paz del precinto Num. 11, fue presentada al cuerpo y la misma fue aceptada por el cuerpo.

En la materia de una peticion de los ciudadanos de Encino tocante una queja sobre un camino publico, el cuerpo decidió dejar la materia de ser investigada por el supervisor de caminos de ese distrito y reportar los preliminarios al cuerpo de comisionados del condado en su junta proxima.

El cuerpo de comisionados del condado ordeno una prorrogacion hasta el dia 5 de Octubre, las 9 de la mañana.

### Sesion de la Manana

El cuerpo de comisionados del condado se reunió como prorrogado el dia 5 de Octubre, 1909 con Jesus Candelaria, Pedro Lucero y Torres, y Julian R. Romero comisionados del condado presidiendo, el alguacil mayor Julius Meyer y el escribano por su diputado Frank A. Chavez.

Los procedimientos de las juntas anteriores fueron leidas y debidamente aprobadas por el cuerpo.

Una peticion escrita, firmada por la Sra. R. N. Maxwell, siendo misma debidamente juramentada fue presentada al cuerpo en corte abierta, y el cuerpo despues de debida consideracion, demando que el Sr. Salazar hiciera una cuenta detallada por su reclamo, y el escribano fue instruido de notificar al tesorero y colector de cancelar las tasaciones por el año de 1908, segun la dicha peticion y fue asi ordenado.

Ahora viene Julius Meyer y presenta la peticion dejada bajo consideracion hasta Octubre del termino de Julio, la dicha peticion siendo firmada por los ciudadanos de Estancia pidiendo que el cuerpo incorpore, crear y organizar la villa de Estancia, y el cuerpo despues de siendo completamente aconsejado en las premisas, aprobo la peticion y concedio la suplica, en esa manifestada. Los siguientes jueces de eleccion fueron nombrados por el cuerpo para conducir una eleccion a ser tenida en Estancia el dia 8 de Noviembre, 1909, como sigue, a saber: Luis Serna, Chas. Mendenhall y P. A. Speckmann, y ademas el cuerpo ordeno el escribano de escojer un lugar conveniente para tener dicha eleccion, y de publicar una proclamacion para elección de un mariscal de villa, y un cuerpo de fiduciarios, compuesto de cinco miembros como prescrito por la sección 247, Leyes Compiladas de 1897.

En la materia del reporte y reclamo de Maurice B. Fuller, como juez de paz del precinto Num. 15, el cuerpo rechazo el mismo y el escribano fue instruido de notificar el dicho juez de paz de reemitir al tesorero del condado todos dineros colectados por el en su capacidad oficial como tal juez, y de hacer su cuenta en contra del condado por su feudo legal, debido a el según la ley, dicha cuenta de ser hecha en forma propia y reconocida por buen autoridad, y asi esta ordenado.

Ahora viene Chas. L. Burt, superintendente de escuelas y presenta una peticion, pidiendo al cuerpo de permitir al dicho petionario de comprar una maquina de copiar para el uso del superintendente de escuelas del condado de Torrance, y el cuerpo despues de debida consideracion, concedio la peticion, la cuenta de ser pagada de los fondos general de escuela.

Ahora viene una peticion de los votantes legales del precinto Num. 10, pidiendo el nombramiento de T. H. Orr como presidente de dicho precinto, y el cuerpo despues debida consideracion.

El reporte del juez de paz del precinto Num. 5 fue presentado ante el cuerpo y fue debidamente aprobado. Y el escribano fue ordenado de entregar el check de \$5.00 multas colectadas en el dicho precinto al tesorero del condado de Torrance.

(Se Continuara.)